

Transportation Conformity Working Group

Interagency Consultation

Meeting Summary

Tuesday, August 24, 2004
10.00 AM – 12.00 PM

SCAG Offices
818 West Seventh Street
12th Floor, Riverside B
Los Angeles, CA 90017

The Transportation Conformity Working Group (TCWG) held its monthly meeting on Tuesday, August 24, 2004 in the Riverside B Conference Room at the Southern California Association of Governments' (SCAG) downtown offices. The following summary is intended to be indicative of the matters discussed. An audio recording of the entire meeting is available for review at SCAG's office.

1.0 CALL TO ORDER

The meeting was called to order at about 10:05 AM by the Chair, Douglas Kim, Metropolitan Transportation Authority (MTA).

2.0 WELCOME AND SELF-INTRODUCTIONS

ATTENDANCE:

In Person:

Chair, Douglas Kim, MTA
Annie Nam, SCAG
Arnie Sherwood, ITS
Ashad Hamideh, MTA
Ashwani Vasishth, SCAG
Ben Ku, MTA
Charles Keynejad, SCAG
Eyvonne Sells, SCAQMD
Gretchen Hardison, LA-EAD
Herman Cheng, MTA
Jose Gutierrez, LA-EAD
Kathryn Higgins, SCAQMD
Leann Williams, Caltrans District 7
Nancy Maroquin, MTA
Naresh Amatya, SCAG
Philip Law, SCAG
Rosemary Ayala, SCAG
Sandra Balmir, FTA/FHWA
Ty Schuilling, SANBAG

Via Teleconference/Videoconference:

Ben Cacatian, VCAPCD
Brad Poiriez, ICAPCD
Carla Walecka, TCA

David Wampler, US EPA
Dennis Wade, CARB
Jean Mazur, FHWA
Jennifer Bergener, OCTA
John Kelly, US EPA
Karina O'Connor, US EPA
Ken Lobeck, OCTA
Mike Brady, Caltrans HQ
Paul Fagan, Caltrans District 8
Sandy Johnson, Caltrans District 11
Ted Matley, FTA

3.0 PUBLIC COMMENT PERIOD

There were no public comments at this meeting.

4.0 APPROVAL OF THE July 9, 2004 MEETING SUMMARY

Jean Mazur, FHWA, stated that she had not had a chance to review the summary, and would contact SCAG with any questions or comments. The Meeting Summary was approved, with no changes.

5.0 INFORMATION ITEMS

5.1 2004 RTIP Update (Rosemary Ayala)

Rosemary Ayala, SCAG, reminded members that the draft 2004 RTP had been released to the public on June 18, 2004, and the comment period closed on July 19, 2004. Since then, Staff had been working to respond to comments and to finalize the 2004 RTIP. The mail-out for this meeting contained the Response To Comments, the regional emissions analysis information requested by FHWA, and also the Timely Implementation Report. The Financial Plan portion was being distributed at this meeting. These documents were being presented for interagency consultation, and for review by the Federal funding agencies. Ms. Ayala requested that any comments or questions be transmitted to Philip Law, SCAG, by August 31, 2004.

Ms. Ayala stated that SCAG was moving forward with the adoption of the 2004 RTIP, which was scheduled to go before SCAG's Transportation and Communications Committee and, subsequently, the Regional Council for adoption at the September 2, 2004 meeting. She stated that SCAG had submitted a letter to Caltrans requesting expedited review.

Charles Keynejad (SCAG) noted that there were two portions to the RTIP approval process—the conformity portion and the funding approval portion. The first went directly to the federal agencies, but in the case of the latter, Caltrans had to first sign-off on the project funding. He stated that the funding authorized by the 2002 RTIP would lapse on October 4, 2004. As such, the region required a federally approved conforming new TIP in place by that date.

Jean Mazur, FHWA, inquired into SCAG's practice of conducting separate regional emissions analyses for the RTP and the RTIP. She suggested that, in cases such as this, where there was not likely to be significant changes between the RTP and the RTIP, since they were being released within months of one another, it might make more sense to prepare a single regional emissions analysis for both documents.

Mr. Keynejad stated that there had been some changes to TCM completion dates between the RTP and the RTIP, and for that purpose, SCAG ran the model to take account of projects that had advanced.

Ms. Mazur stated that she believed the conformity process was always intended to use the same emissions analysis for both the Plan and the TIP, but, somehow, California had been doing things a bit differently. She felt it was important that the regional emission analysis be consistent for both the TIP and the Plan. If it became necessary to re-run the emissions analysis for the RTIP, then the conformity for the RTP needed to be updated as well. She stated that there was a specific provision in the rule which states that if the TIP is consistent with the Plan, there is no need for a separate emissions analysis.

Mr. Keynejad stated that in the case of build-no build analysis this process would break down, as there would be two additional years of projects to take account of. Ms. Mazur agreed and stated that most of country no longer did a build-no build analysis. But if a new regional emissions analysis was carried out for the TIP, this would require that the conformity on the Plan be re-determined as well.

Ty Schuilling, SANBAG, asked whether the federal agencies would be able to conduct their review in a timely manner, in the case that a region were using the same conformity determination process for both the TIP and the Plan. Ms. Mazur stated that so long as the same emissions analysis were used for both documents, and even if implementation dates moved around, there would not be a problem.

Ms. Mazur asked how SCAG intended to deal with the fact that, with the new 8-hour Ozone Rule, both the Plan and the TIP needed to be revised by June 2005. Mr. Keynejad stated that this should be part of the interagency consultation process.

5.2 Timely Implementation of TCMs (SCAB & Ventura) (Ashwani Vasishth, SCAG)

Ashwani Vasishth, SCAG, noted that there were two documents that had been distributed to the group—text clarifying the methodology used by SCAG in identifying, tracking and reporting on the Timely Implementation of TCMs, and a table reporting on the implementation status of the TCM projects.

Traditionally, SCAG had stipulated that only those projects that met the definitions of TCMs contained in the prevailing SIP, and that were programmed in the first two years of the prevailing TIP be considered for the Timely Implementation Report. A key change to this methodology incorporated a clarification by the federal agencies that, of these projects, only those that were actually committed to implementation in the first two years of the prevailing TIP be considered.

A second part of the clarificatory text dealt with the actual reporting protocols for the Timely Implementation Report. In the past, SCAG had not reported project completion dates. Beginning with the 2003 AQMP/SIP and through the 2004 RTP, SCAG had included start and end dates for each of the reported projects. Subsequently, the federal agencies had asked that both the originally reported completion dates and the currently anticipated completion dates be reported for each project. Since this was a new practice, for this document SCAG was listing the completion dates reported for the 2004 RTP, since this was the most recently conforming document, and compared these to the completion dates reported for the 2004 RTIP. In the future, and beginning with TCMs inducted after this point, it was SCAG's intention to report three dates with each Timely Implementation Report: the date on which a project was designated as a committed TCM; the reported completion date at the time of first listing; and the completion date reported for the current Timely Implementation Report.

In the tables, some of the projects were marked by italics, and these were projects that did not meet the test of committed TCMs described above, and so should not have been included in the Timely Implementation Report in the first place. This list, including those projects marked for deletion, was being distributed to the group as part of the interagency consultation process, and would be deleted from the final 2004 RTIP Timely Implementation Report.

Eyvonne Sells, SCAQMD, asked as to the frequency of the Timely Implementation Report. Mr. Keynejad stated that the Report needed to be prepared every time a conformity finding was being made.

5.3 Imperial County PM10 US EPA Action (David Wampler, US EPA Region 9)

David Wampler, US EPA, stated that there were two rules that were published simultaneously on August 11, 2004, regarding PM10 issues in Imperial County. The first was the Final Rule required by the Ninth Circuit Court, reclassifying Imperial County from a moderate to a serious non-attainment area for PM10. There is no comment period for that rule. The second is a Proposed Rule finding that Imperial Valley, as a serious non-attainment area, failed to attain the PM10 attainment date of December 31, 2001. This rule required Imperial County to submit its clean air plan within one year of the final action on this proposed rule. The Proposed Rule is currently open for public comment until September 10, 2004.

Mr. Keynejad asked how long it would take for US EPA to finalize the rule. Mr. Wampler stated that this would depend on the comments received. Mr. Keynejad asked whether Imperial County APCD would have one year from the date the Final Rule was published to produce and submit a new AQMP and SIP for that area. Mr. Wampler stated this was the case.

Mr. Keynejad asked whether on-road mobile source emissions were significant in Imperial County. Brad Poiriez, ICAPCD, stated that this was correct. CARB had conducted an inventory analysis demonstrating that mobile source emissions were indeed significant. As such, the PM10 Plan would need to incorporate a budget.

Mr. Poiriez stated that it would be almost inconceivable that ICAPCD could produce a Plan, take it through public review and Board action, submit it to CARB, have them review it and take it before their Board, submit it to US EPA, and have US EPA take action on the plan within one year. Mr. Poiriez expressed strong concern that, in the event ICAPCD was unable to meet the one year deadline, US EPA would implement sanctions on the County, resulting in a loss of vital federal highway funds.

Mr. Keynejad noted that the sanctions would not apply until 24 months after a finding of non-submission. In addition, he stated that there was a requirement that, within 18 months of Imperial County preparing its emission budgets, SCAG would have to revisit its conformity determination for PM10 for the Imperial County portion of the region in both its RTP and RTIP. As such, there should be a consultation between the three agencies, ICAPCD, CARB and US EPA, to coordinate this process, and involving SCAG to ensure use of the Latest Planning Assumptions in terms of population, employment and VMT.

Chair Kim asked whether other counties in the South Coast would be affected by this. Mr. Keynejad stated that this issue only affected Imperial County.

6.0 OTHER ISSUES

6.1 TEA-Reauthorization Update (FHWA Staff)

Jean Mazur, FHWA, stated that there were no new developments with regard to the pending Reauthorization. She then made a Power Point presentation on CMAQ, which had been prepared as part of FHWA's August 3, 2004 Conformity Workshop. A copy of the presentation had been included with the Agenda package.

Currently, CMAQ funds were apportioned to the states based on population and on the severity of the air quality problem, with a minimum guarantee for each state. The new 8-hour Ozone standards considerably increased the number of non-attainment areas in the nation, with 432 entire counties and 42 partial counties being affected. Since some of these non-attainment areas were not included in the current apportionment formula, one objective of the reauthorization was to rectify this. Changes to the PM2.5 non-attainment areas, as proposed by the states, were not as extensive.

The current proposals eliminate the weighting for severity, and limit the formula to population. The proposed SAFETEA weighting factors for Ozone was 1.0 and for PM2.5 was 1.2, given that the health impacts of fine particulates were considered more significant than those from Ozone. Multiple pollutant non-attainment areas would get more weight.

Since the initial apportionment for Fiscal Year 2005 would take place in October of this year, and since it was not expected that Congress would have acted by that time, this apportionment would use the 1-hour Ozone standard only, and not consider either the 8-hour Ozone standard or the PM2.5 standard.

6.2 EPA's Rule Update (US EPA Staff)

Karina O'Connor, US EPA, stated that the second phase of the 8-hour Ozone standard would probably be released in October, 2004. This would not have any effect on conformity determinations. The PM2.5 standard was expected to be released on November 17, 2004.

With regard to the conformity rule, a correction had been posted on July 20, 2004, rectifying a table from the rule posted on July 1, 2004. This correction had been sent out to the Statewide Transportation Conformity Working Group, and had also been distributed to this group.

The multi-jurisdictional guidance had been posted to the OTAC web site.

A proposed rule was also expected to be posted regarding project-level hotspot analysis for PM10 and PM2.5, and US EPA would invite comment on this.

OTAC would also release a conformity SIP guidance which would update and explain how the new rule was expected to affect areas with conformity SIPs.

It was noted that the Statewide Transportation Working Group meeting would be held on October 21, 2004, in Sacramento, probably in the Caltrans HQ building. Information would be posted to the Caltrans web site.

6.3 Conformity Workshops (Caltrans, FHWA and US EPA Staff)

FHWA and US EPA had held separate workshops on the conformity rule. One of the questions that had been raised was whether multiple pollutant non-attainment areas needed to conduct conformity tests for all pollutants. Ms. Mazur proposed that this and other

questions be discussed at the upcoming Statewide Transportation Conformity Working Group meeting, to ensure that the same information was available to all stakeholders. Presentation material from the recent FHWA conformity rule workshop would be posted to the web.

Ms. O'Connor stated that the material from the US EPA

The National Transit Institute will conduct two three-day workshops titled Introduction to Transportation/Air Quality Conformity. One of these would be held in Stockton, CA, on October 19-21, 2004. <<http://www.ntionline.com/CourseInfo.asp?CourseNumber=FP213>>

Paul Fagan, Caltrans District 8, stated that FHWA would hold a workshop on Air Quality Fundamentals in San Bernardino on October 13-14, 2004, from 8:30 AM to about 4:30 PM on each day. Directions and additional information on the course was included in the Agenda package. Mike Brady, Caltrans HQ, stated that the course content was very impressive, and that the course would be focused more on project-level analysis. Mr. Brady also stated that the material from the Oakland workshop had been mounted on the Caltrans web site <http://www.dot.ca.gov/hq/env/air/State_CWG/CWGindex.htm>.

6.4 California Transportation Commission's RTP Checklist (Naresh Amatya, SCAG)

Naresh Amatya, SCAG, discussed the RTP Checklist put out by the California Transportation Commission. The document was in the form of guidance on state and federal statutory requirements, and best practices, and was particularly useful to ensure compliance. In December 2003, the CTC issued a supplement to the guidance in the form of a checklist, which had been filled out for the 2004 RTP and submitted to the CTC.

Chair Kim asked why the checklist was not submitted at the time the RTP was issued. Mr. Amatya stated that SCAG had decided to wait until the conformity determination process was completed.

6.5 Information Sharing (Open Discussion)

Charles Keynejad informed the Group that he would be retiring from SCAG, effective October 1, 2004. He thanked the members of the TCWG for having made the inter-agency consultation process. Members of the group wished him well, and asserted that he would be missed by all those involved in conformity planning in Southern California. Chair Kim stated that it was hard to imagine discussing conformity issues at SCAG without him.

7.0 COMMENT PERIOD

The next meeting of the Transportation Conformity Working Group was set for Tuesday, September 28, 2004, 10:00 AM – 12:00 Noon, at SCAG's Downtown Office.

8.0 ADJOURNMENT

The meeting adjourned at approximately 12:00 Noon.